

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 18-37 are pending in the present application. Claims 18-37 have been amended to address the formal matters raised in the outstanding Official Action. At this time, applicants would like to thank the Examiner for the suggestions as how to overcome several of these objections/rejections.

In the outstanding Official Action, the specification was objected to for citing to application FR 97 00 690 without setting forth the filing date of the application or the corresponding publication number. As suggested by the Examiner, applicants have indicated that the corresponding publication number is WO 97/38787.

The specification was also objected to for not having a "Brief Description of Drawings". Pursuant to 37 CFR §1.74 and §1.77, applicants have amended the present specification to incorporate a brief description of the drawings.

As a result, applicants believe that the present amendment obviates these informalities.

Claims 18, 27 and 31 were objected to for containing several informalities. Claim 18 was objected to for not reciting a proper sentence because it contained a period at line 9 between "10%.by". However, upon reviewing claim 18, applicants did not

find this informality present within the claim (see Preliminary Amendment of March 20, 2002). As a result, applicants request that this objection be withdrawn.

Claim 27 was objected to because the concentration of the components of the oil phase set forth in the claim did not equal 100% when polyglycerol polyricinoleate was in an amount of 90% by weight and dodecane was in an amount of 1% up to 10% by weight. However, claim 27 has been amended to recite that the oily phase comprises 60 to 99% by weight polyglycerol polyricinoleate and 1 to 40% by weight dodecane. Support for this amendment may be found at page 10, lines 10-15.

Claim 31 was objected to because the shear rate did not correspond to the ranges set forth in the present specification. Indeed, applicants have amended claim 31 to correct this informality.

In view of the above, applicants believe that claims 18, 27 and 31 are now in good order.

Claim 19 was rejected under 35 USC §112, first paragraph, for allegedly not complying with the written description requirement. This rejection is respectfully traversed.

In imposing the rejection, the Official Action alleged that it was unclear whether the original disclosure filed as PCT/FR00/02434 provides basis for the concentration of "at least 60% by weight of droplets of emulsion Ei with respect to the

total weight of the double emulsion". However, the Examiner's attention is respectfully directed to original claim 2 of the corresponding PCT application, wherein this embodiment is recited. As the claims are part of the disclosure, applicants believe that the PCT/FR00/02434 publication provides basis for this embodiment.

Claims 18-37 were rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants believe the present amendment obviates this rejection.

Claim 29 was rejected because the phrase "said double emulsion being a fractionatable stable double emulsion, having a polydispersity greater than 30%" lacked antecedent basis and was allegedly confusing. However, as suggested by the Examiner, claim 29 has been amended to clarify that the phrase refers to the starting emulsion prior to controlled shearing.

Claims 18-37 were rejected for reciting the term "at least one hydrophilic active substance". The Official Action alleged that the activity of the hydrophilic substance was unclear.

The Examiner's attention is respectfully directed to page 10, lines 14-25, wherein the meaning of the term "at least one hydrophilic active substance" is explained. In particular, the specification explains that the active substance may be used

in the pharmaceutical, cosmetic, pest and disease control, food and/or paint fields. As a result, applicants believe that the phrase would be definite to one of ordinary skill in the art.

In view of the above, applicants believe that claims 18-37 are definite to one of ordinary skill in the art.

At this time, applicants note with appreciation that claims 18-37 were identified as being allowable if rewritten or amended to overcome the rejections under 35 USC §112, second paragraph, set forth in the Official Action.

In view of the present amendment and the foregoing remarks, therefore, applicants believe the present application is in condition for allowance at the time of the next Official Action with claims 18-37, as presented. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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